

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ADAM RODRIGUEZ,

Plaintiff

Case No. 2:20-cv-01251-RFB-NJK

ORDER

v.

CORE CIVIC, *et al.*,

Defendants

I. DISCUSSION

On July 6, 2020, Plaintiff, an inmate in the custody of the Nevada Southern Detention Center (“NSDC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. Docket Nos. 1-1, 1. Plaintiff’s application to proceed *in forma pauperis* is incomplete. Plaintiff has not submitted a Financial Certificate or an inmate account statement for the previous six-month period. If Plaintiff has not been at the NSDC facility for a full six-month period, Plaintiff must still submit a completed Financial Certificate and an inmate account statement for the dates he has been present at the facility.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3);
- (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form); and
- (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period.** If Plaintiff has not been at the facility for a full six-month period, Plaintiff

1 must still submit an inmate account statement for the dates he has been present at the facility.

2 Accordingly, the Court denies Plaintiff's application to proceed *in forma pauperis*, Docket
3 No. 1, without prejudice because the application is incomplete. The Court will grant Plaintiff a
4 **one-time extension** to file a fully complete application to proceed *in forma pauperis* containing
5 all three of the required documents. Plaintiff must file a fully complete application to proceed *in*
6 *forma pauperis* on or before **September 7, 2020**. Absent unusual circumstances, the Court will
7 not grant any further extensions of time. If Plaintiff is unable to file a fully complete application
8 to proceed *in forma pauperis* with all three required documents on or before **September 7, 2020**,
9 the Court will dismiss this case without prejudice for Plaintiff to file a new case with the Court
10 when Plaintiff is able to acquire all three of the documents needed to file a fully complete
11 application to proceed *in forma pauperis*.

12 Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis*
13 and instead pay the full filing fee of \$400 on or before **September 7, 2020** to proceed with this
14 case. The Court will retain Plaintiff's civil rights complaint, Docket No. 1-1, but the Court will
15 not file the complaint unless and until Plaintiff timely files a fully complete application to proceed
16 *in forma pauperis* with all three documents or pays the full \$400 filing fee.

17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that Plaintiff's application to proceed *in forma*
19 *pauperis*, Docket No. 1, is DENIED without prejudice to file a new fully complete application to
20 proceed *in forma pauperis* with all three documents.

21 IT IS FURTHER ORDERED that the Clerk of the Court will send Plaintiff the approved
22 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
23 information and instructions for filing an *in forma pauperis* application.

24 IT IS FURTHER ORDERED that, on or before **September 7, 2020**, Plaintiff will either
25 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50
26 administrative fee) or file with the Court:

- 27 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
28 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page

1 3);

2 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
3 (i.e. page 4 of this Court's approved form); and

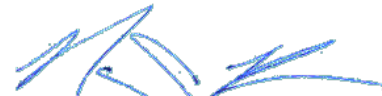
4 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
5 **six-month period**. If Plaintiff has not been at the facility for a full six-month period, Plaintiff
6 must still submit an inmate account statement for the dates he has been present at the facility.

7 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
8 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action
9 on or before **September 7, 2020**, the Court will dismiss this action without prejudice for Plaintiff
10 to refile the case with the Court, under a new case number, when Plaintiff has all three documents
11 needed to file a complete application to proceed *in forma pauperis*.

12 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint, Docket
13 No.1-1, but will not file it at this time.

14 IT IS SO ORDERED.

15 DATED: July 9, 2020.

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17 NANCY J. KOPPE
18 UNITED STATES MAGISTRATE JUDGE
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